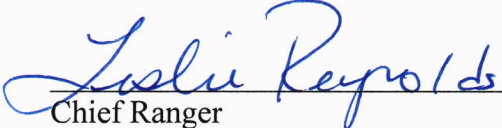


OFF-ROAD VEHICLE ACTIVITY REPORT

CAPE COD NATIONAL SEASHORE

2014

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Regulatory History

Since the creation of Cape Cod National Seashore in 1961, Off-Road Vehicle (ORV) operations have been strictly regulated. During the 1960's and 1970's, ORV trails and routes were extensive. Almost the entire outer beach from Long Point in Provincetown to Nauset Inlet in Eastham was available for ORV use. Additionally, an extensive system of inner routes and trails behind the primary dune (i.e., landward) existed in Provincetown and North Truro. In 1978, Eastham closed the route between Coast Guard Beach and Nauset Inlet because the Blizzard of '78 had destroyed the available ORV route. At approximately the same time, Wellfleet Town Meeting banned the use of ORV's on their beaches between June 15 and September 15. Then in the early 1980's Wellfleet closed the outer beach to ORV use year-round. As a result, the ORV route on the back beach was limited to the area from the Wellfleet-Truro town line north to Long Point in Provincetown.

In 1980, the Conservation Law Foundation (CLF) sued the Seashore for what the CLF believed were inadequate controls over ORV driving within the Seashore. The Seashore created a new ORV management plan that addressed a variety of concerns. The ORV Management Plan of 1981 closed all inner routes and trails to the public except for dune cottage residents or their caretakers, dune tour operations, and National Park Service patrols. The 1981 plan also limited the ORV route on the back beach from Hatches Harbor to the Wellfleet town line, and only allowed ORV operation on the beach from Head of the Meadow in Truro to the Wellfleet town line at night.

In 1984, the judge hearing the CLF suit in Boston ruled that the Seashore's 1981 plan was adequate and suggested the plan could be improved but did not require that the plan be changed. Following the judge's suggestion, the ORV Management Plan of 1985 was implemented. The 1985 plan permanently closed the portion of the ORV corridor between High Head in Truro and the Wellfleet town line. It further restricted the use of ORV's by creating a season for general operation between April 15 and November 15. ORV's could operate on the beach between November 16 and April 14 only for the purposes of accessing town shellfish beds, picking up flotsam and jetsam, or in the case of dune cottage residents or their caretakers for accessing their cottage. A limited access pass (LAP) was required for these uses and no travel was permitted within 2 hours of high tide.

In 1986, the Piping Plover (*Charadrius melodus*), a small beach-nesting shorebird, was federally listed as a threatened species. The Seashore was required by law to protect threatened and endangered species occurring within the park. The Seashore began to routinely close portions of the existing ORV corridor when Piping Plover chicks were present. As the plover population on the Seashore increased, the amount of ORV corridor decreased during June and July each year. In 1995, as little as 0.3 mi. of ORV corridor was available for several weeks.

The need for new regulation was motivated by a number of events including management issues related to the inflexibility of the existing rule to deal with changing conditions on the beach. To revise the regulation, in 1995, the Seashore entered into a negotiated rule-making process along with 22 agencies, organizations, and interest groups with long-term interests and involvement in ORV management at the Seashore. Members from the environmental, mobile sports fishing, and ORV communities along with representatives from the U.S. Fish and Wildlife Service, Massachusetts Division of Fisheries and Wildlife, and the six towns in which the Seashore's boundary lies, comprised the rule-making committee. These groups met over a period of three

months with the objective of reaching consensus on a new ORV management plan. In November 1995, the committee presented a proposed rule for ORV Management at Cape Cod National Seashore. The rule was published in the Federal Register for public comment and became codified into 36 CFR in 1998 (36 CFR 7.67).

The Committee agreed to a variety of mutual concerns (see Federal Register 63:9143-9148 for the complete final rule). ORV use remained limited to April 15 through November 15. The designated route was established, including the back beach from Hatches Harbor to High Head in Truro. The portion of beach from Exit 8 to High Head would be closed from April 1 to July 20. The area from Coast Guard Beach in Truro to Longnook Beach in Truro would be open for the purpose of night fishing, and the area from High Head to Head of the Meadow Beach, including the access at Head of the Meadow, would be open from July 1 through August 31 (Figure 1.1). Plover nesting and other resource or public safety issues could require that all or portions of the corridor be closed for indefinite periods of time. The amount of open ORV corridor is typically less in the beginning of the season than in August due to the terms of the negotiated rule. Up to 10.5 miles of ORV corridor could potentially be open in late July and August, depending on the availability of the High Head portion of the corridor, condition of beach cuts and would require all plover chicks on the South Beach fledged.

The negotiated rule also addressed NPS responsibilities for monitoring the use and condition of the oversand routes for the purpose of reviewing the effects on natural, cultural and aesthetic resources of vehicles in designated corridors. The rule further stated that information gathered from this process would be used as the basis for an annual report to the Secretary of the Interior and the public describing the results of the monitoring conducted. This document represents the 16th annual ORV monitoring report as required by the negotiated rule.

The negotiated rule set a limit of 3400 ORV permits as the maximum amount to be sold annually. The rule specified that the 3400 permits were to be a combination of both annual oversand and self-contained vehicle (SCV) permits. In 1998, the first year that the negotiated rule was implemented, this cap was reached in the first week of September. Many people who traditionally came to Cape Cod in September and October to fish were unable to purchase a permit. In order to allow a more equitable distribution of permits throughout the season in 1999, the Seashore converted 200 of the 3400 permits available into rotating weekly permits based on the rationale that some of the people who purchase annual permits actually use the permit for 7 days or less. No more than 200 weekly permits were active at any one time so as not to exceed the 3400 permit cap from 1999 until 2004. From 1999 until 2004, the 3200 annual permits sold out on progressively earlier dates each year and there has been a corresponding increase in the number of weekly permits sold during the summer months. Annual permits went on sale on April 10 each year and sold out in late July 1999, early July 2000, late June 2001, May 24, 2002, April 26, 2003, and April 19, 2004.

Oversand Vehicle Route

Obey All Signs – Stay on Marked Sand Routes
Speed Limit 15 MPH

—— ORV Route, closed during nesting (4/1-7/20)
 - - - - ORV Route (occasional closures during nesting)
 ||||| ORV Route, summer only (7/1-8/31)
 ooooo ORV Route, night fishing only.
 Town boundary

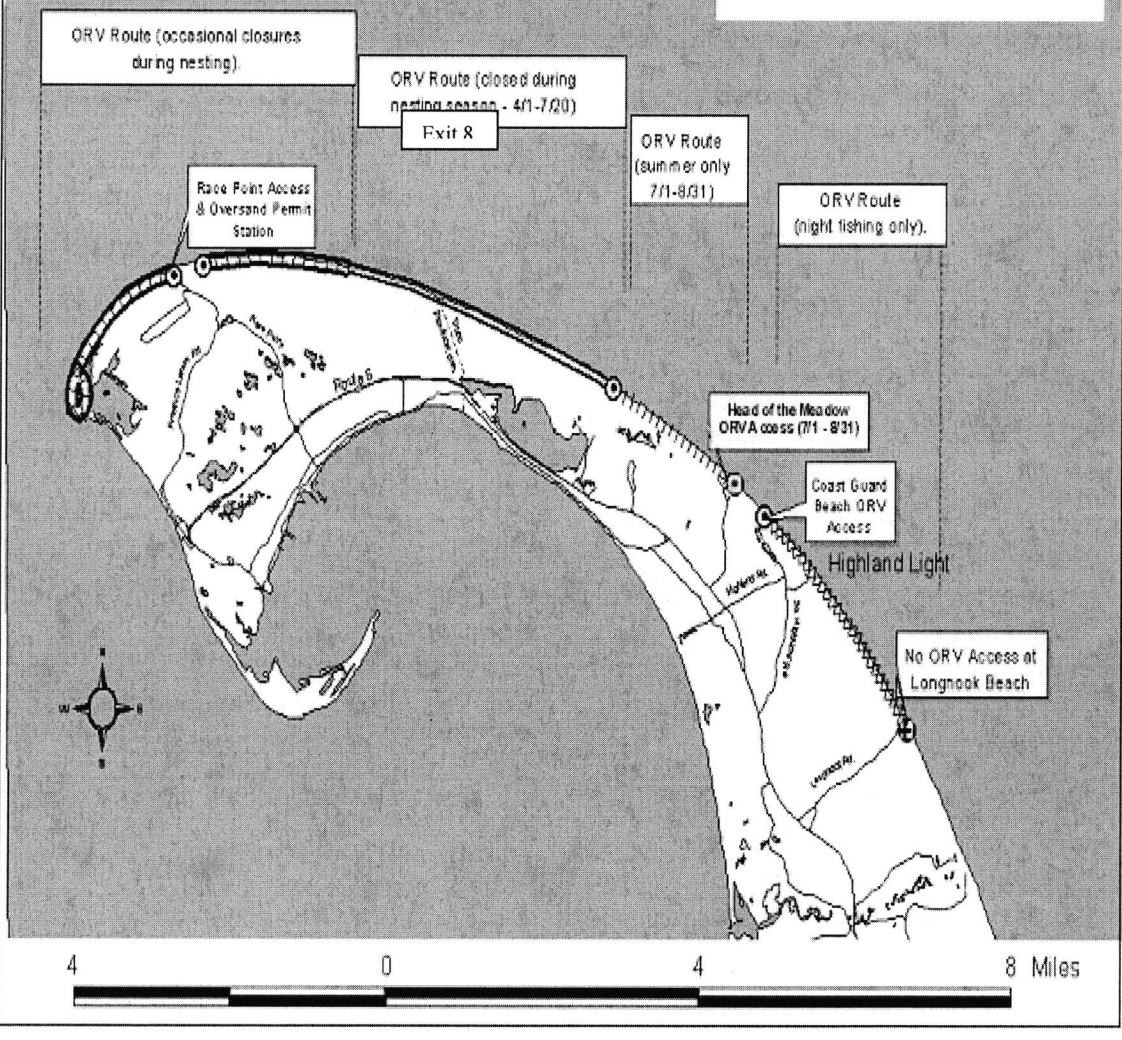


Figure 1.1 Map of the current oversand vehicle routes defined by the negotiated rule, Cape Cod National Seashore.

In 2004 the seasonal permit sales process was overwhelmed by the turnout of people starting April 10. The 3,200 permits sold out in 10 days. Because of this issue, three public meetings were held in 2004 to seek input on how to improve the permit sales distribution system. Seven changes were incorporated into the permit sales process for the 2005 season. The changes helped alleviate prior issues. At the end of the 2005 season, 261 seasonal ORV permits were still available and the weekly permits did not sell out on any day.

In 2006 the sales process continued to run smoothly. Seasonal permits were available throughout the season and there were adequate weekly permits available each day. The ORV corridor, in 2006, was completely closed for daytime recreational use for the first time, and there was a near to total closure from June 11 – July 12. The Seashore began efforts to explore possible options, which would allow for adaptive management alternatives. The Seashore hosted an informational public meeting on the ORV closures on July 18, 2006. The Cape Cod National Seashore Advisory Commission hosted an ORV and Piping Plover Public Meeting and Workshop in December.

In 2007 the Seashore completed an Environmental Assessment (EA) to improve ORV access while maintaining piping plover protection. The Selected Alternative from the EA provided three management options to improve access to the ORV Corridor if there was a near (<0.5 miles) or total daytime ORV corridor closure. On June 22, the three ORV accesses near Race Point Beach closed and 0.5 miles of corridor was opened at the High Head access, which was one of the options made available from the 2007 ORV EA. High Head remained open until July 13, when a total daytime closure occurred. Hatches Harbor was closed from May 28 through July 27, due to a plover nest that was established six feet from the Pole Line Road, and then due to protection of unfledged plover chicks. In 2007 the entire ORV corridor reopened on August 29.

In 2008 a portion of the ORV corridor remained open during the bird nesting season. This was the first time this had happened since 2005 and was directly attributed to the 2007 ORV EA.

From 2009 to 2012 additional changes were made to provide increased resource protection on the ORV corridor. The ORV management regulations have remained unchanged during these years.

In 2013, there was a total closure of the ORV corridor due to the government shutdown from October 1, 2013 through October 17, 2013. High tides and on shore winds also forced a two day closure on November 3-4, 2013.

During 2014 the ORV route was closed two times for extreme spring high tides on April 19th, and again on April 25 – May 1. Tropical storm Arthur forced a total closure from July 4-8, one of the busiest weekends of the summer. In the fall, a nor'easter closed the corridor for two days on November 2nd and 3rd.

2014 ORV MANAGEMENT ACTIONS AND ACTIVITIES

Regulatory and Policy Changes

After a meeting with U. S. Fish & Wildlife in 2012, it was determined that all of the Hatches Harbor spit would be symbolically fenced as potential nesting habitat from April 1 through June 30. This closure went into effect in 2012 and remained in effect through 2014. On July 1, Hatches Harbor spit reopened, as there were no unfledged piping plover chicks or nests on the spit.

Number and Type of Permits Issued

The summer of 2014 was very pleasant, with temperatures in the high 70's to low 80's with low humidity throughout the season. There were multiple weather events that affected ORV use during the 2014 season. The spring high tides caused two total closures of the ORV corridor, and tropical storm Arthur closed the corridor over the July 4th weekend. Total permit sales revenue decreased by 0.8%, when compared to 2013 sales. Revenue decreased by \$1,775.00 as compared to 2013. The seasonal ORV permits increased from 1,397 in 2013 to 1,414 for the 2014 season, an increase of 1.21%. The weekly ORV permits were down from 2,514 in 2013 to 2,495 in 2014, a 0.75 % decrease. Seasonal Self-Contained Vehicle (SCV) sales decreased in 2014 from 95 issued in 2013 to 88 issued in 2014. Weekly SCV permit sales continued to decline in 2014 with 52 permits issued for 2014, compared with 76 for 2013, a 31.57% decrease. When compared to 2013 sales, this season's overall sales declined only slightly.

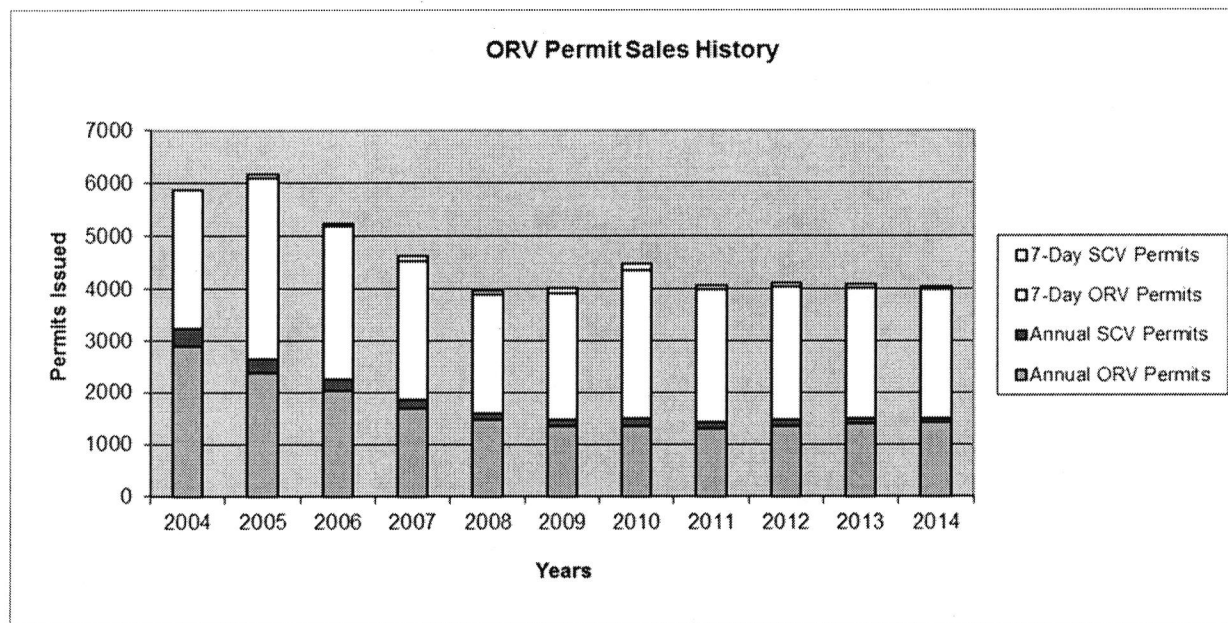


Figure 1.2 Bar graph of recent history of permit issuance in the ORV program.

Seasonal Permit Process

In 2014, 1,502 seasonal permits were issued out of the 3,000 seasonal permits that were available. Of the 1,502 seasonal permits sold, 1,414 were issued to seasonal ORV operators and 88 were issued to seasonal SCV operators. In addition to the seasonal permits, there were 2,495 ORV weekly permits issued and 52 SCV weekly permits issued in 2014, bringing the total number of permits issued to 4,049. Total permit sales have declined from a high of 6,164 in 2005 to 4,049 in 2014, a decline of 34%.

Seasonal permits went on sale Wednesday April 10, 2014. Permit sales went very smoothly again, as was the case since changes were made to the permit sales process in 2005. Seasonal permits have not sold out since 2004, when all 3,200 available seasonal permits sold out in 10 days.

YEAR	Seasonal ORV Permits	Seasonal SCV Permits	Total Seasonal Permits	Weekly ORV Permits	Weekly SCV Permits	Total Permits Sold
1999	3006	259	3265	*N/A	*N/A	3400
2000	3003	285	3288	1649	*N/A	4937
2001	2990	314	3304	2026	*N/A	5330
2002	2957	335	3292	2592	*N/A	5884
2003	2951	349	3300	2739	*N/A	6039
2004	2881	353	3234	2644	*N/A	5878
2005	2361	280	2641	3463	60	6164
2006	2021	221	2242	2936	49	5227
2007	1697	171	1868	2659	89	4616
2008	1457	141	1598	2294	65	3957
2009	1342	133	1473	2437	86	3998
2010	1355	137	1492	2873	104	4469
2011	1293	115	1408	2576	81	4065
2012	1347	113	1460	2577	75	4112
2013	1397	95	1492	2514	76	4082
2014	1414	88	1502	2495	52	4049

Figure 1.3 Permit Sales History

* weekly permits not sold

Weekly Permit Process

For the ninth year, weekly permits were available using an advanced sales system. Users were able to buy advanced sales weekly permits for any week in the 2014 season. Applications for the advanced sales weekly permit could be submitted starting on March 1. After weekly advanced sales forms were processed, the permittee was contacted and provided a confirmation number. The computerized reservation system continued to work well. There was an adequate amount of weekly advanced sales permits (200) and first-come first-served permits (200) available throughout the season. Weekly permits were available to SCV users through the advanced sales system or first-come first-served system again in 2014.

Temporary ORV Corridor Closures

Throughout the 2014 off road driving season, there were several closures of the ORV corridor. The corridor was totally closed on April 19th, and from April 25th to May 1st, due to extreme high tides. During the July 4th weekend, tropical storm Arthur passed by Cape Cod, resulting in very high winds, causing a total closure of the corridor from the 4th to the 8th, during one of the busiest weeks of the summer. A fierce northeaster arrived on November 2nd and 3rd, caused a total closure due to unsafe driving conditions on the corridor. The Head of the Meadow ORV access did not open this season due to dynamic beach conditions that made that portion of the corridor inaccessible.

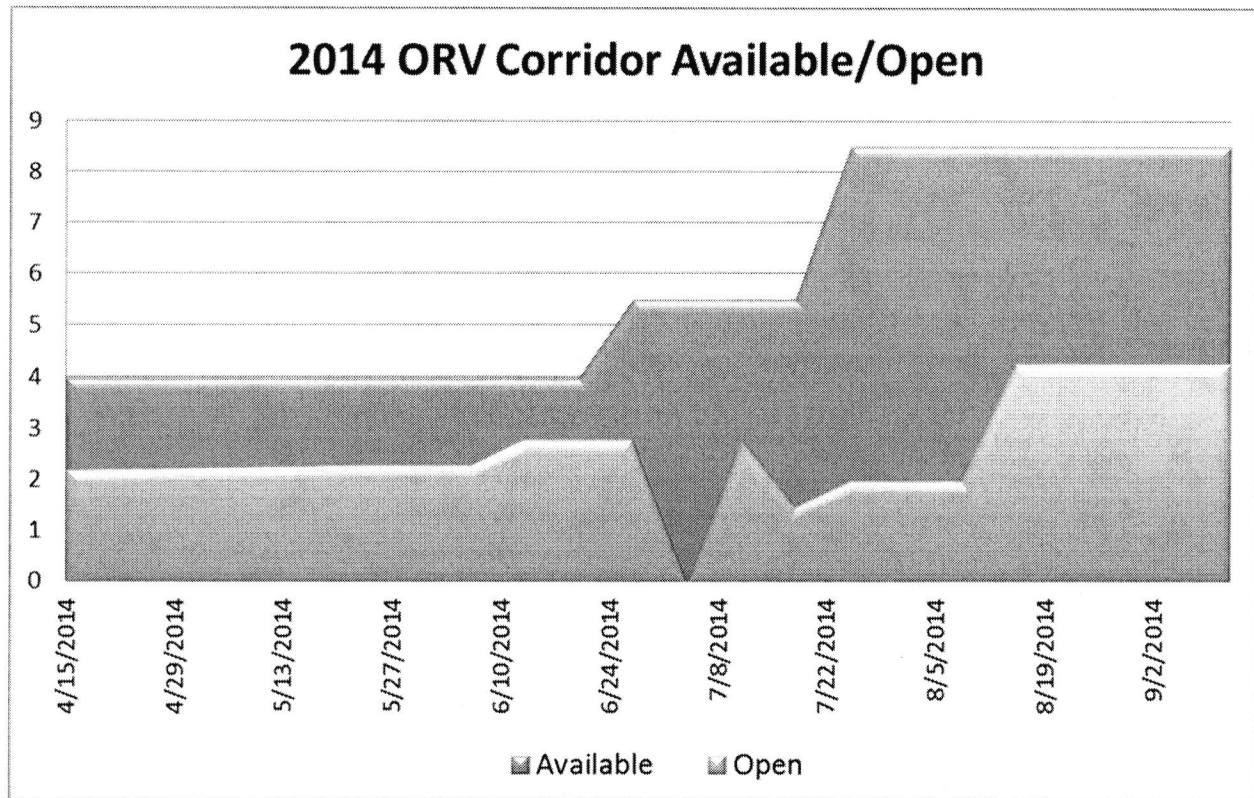


Figure 1.4 Chart showing available and open ORV corridor for the 2014 season

Synopsis of 2014 ORV Corridor Openings and Closings

Coast Guard Night Fishing not included

April 15 – April 18 2.2 mi open

RPN Open (.4 mi)
 RPS Open (1.8 mi)
 SCV area RPN Closed
 SCV area RPS Open
 Pole Line Closed
 Hatches Harbor Closed
 High Head Closed

April 19	Closed	Entire Route Closed – due to extreme high tides
April 20	.5 mi open	RPN Open (.5) RPS Closed SCV area RPN & RPS Closed Pole Line Open to Lighthouse Hatches Harbor Closed High Head Closed
April 21- April 24	2.3 mi. open	RPN Open (.5) RPS Open (1.8 mi) SCV area RPN & RPS Closed Pole Line Open to Lighthouse Hatches Harbor Closed High Head Closed
April 25 – May 1	Closed	Entire Route Closed – due to extreme high tides
May 2 – May 4	1.2 mi open	RPN Open (.4 mi) RPS Open (.8 mi) SCV area RPN Closed SCV area RPS Closed Pole Line Open to Lighthouse Hatches Harbor Closed High Head Closed
May 5	2.3 mi open	RPN Open (.5 mi) RPS Open (1.8 mi) SCV area RPN & RPS Closed Pole Line Open to Lighthouse Hatches Harbor Closed High Head Closed
May 6 – May 14	2.3 mi open	RPN Open (.5 mi) RPS Open (1.8 mile) SCV area RPN Closed SCV area RPS Open Pole Line Open to Lighthouse Hatches Harbor Closed High Head Closed
May 15 – June 9	2.3 mi open	RPN Open RPS Open SCV area RPN Closed SCV area RPS Open Pole Line Open to Lighthouse Hatches Harbor Closed High Head Closed

June 10 – June 30	2.8 mi open	RPN Closed RPS Open (1.8 mile) SCV area RPN Closed SCV area RPS Open Pole Line Open to Lighthouse Hatches Harbor Closed High Head Closed
July 1 – July 3	2.7 mi open	RPN Open (1.0 mi) RPS Open (1.7 mile) SCV area RPN Closed SCV area RPS Open Pole Line Open Hatches Harbor Open High Head Closed Head of the Meadow Closed
July 4 – July 8	Closed	Entire Route Closed – due to storm conditions
July 9 – July 11	2.8 mi open	RPN Open (1.0 mi) RPS Open (1.8 mi) SCV area RPN Closed SCV area RPS Open Pole Line Open Hatches Harbor Open High Head Closed Head of the Meadow Closed
July 12 – July 24	1.5 mi open	RPN Open (1.0 mi) RPS Closed SCV area RPN Closed SCV area RPS Closed Pole Line Open Hatches Harbor Open High Head Open (.5 mi) Head of the Meadow Closed
July 25 – August 9	2.0 mi open	RPN Open (1.0mi) RPS Open Closed SCV area RPN Closed SCV area RPS Closed Pole Line Open Hatches Harbor Open High Head Open (1.0 mi.) Head of the Meadow Closed

August 10	2.0 mi open	RPN Open (1.0 mi) RPS Closed SCV area RPN Closed SCV area RPS Closed Pole Line Open Hatches Harbor Open High Head Open (1.0 mi.) Head of the Meadow Closed
Aug. 11 – Aug. 12	2.25 mi. open	RPN Open (1.25 mi) RPS Closed SCV area RPN Open SCV are RPS Closed Pole Line Open Hatches Harbor Open High Head Open (1.0 mi.) Head of the Meadow Closed
Aug. 13 – Sept. 20	4.25 mi open	RPN Open (.25 mi) RPS Open (2.0 mi.) SCV area RPN Open SCV area RPS Open Pole Line Open Hatches Harbor Open High Head Open (1.0 mi.) Head of the Meadow Closed
Sept. 21 – Oct. 2	4.7 mi open	RPN Open (.5 mi) RPS Open (3.2 mi.) SCV area RPN Open SCV area RPS Open Pole Line Open Hatches Harbor Open High Head Open (1.0 mi.)
Oct. 3 – Oct. 4	1.0 mi open	RPN Open (1.0 mi.) RPS Closed SCV area RPN Closed SCV area RPS Closed Pole Line Open Hatches Harbor Open High Head Closed

Oct. 5 – Oct. 7	2.5 mi open	RPN Open (1.5 mi) RPS Open (1.0 mi) SCV area RPN Closed SCV area RPS Closed Pole Line Open Hatches Harbor Open High Head Open Closed
October 8	4.0 mi open	RPN Open (1.5 mi) RPS Open (2.5 mi) SCV area RPN Closed SCV area RPS Closed Pole Line Open Hatches Harbor Open High Head Closed
Oct. 9 – Oct. 14	3.75 mi open	RPN Open (1.25 mi) RPS Open (2.5 mi) SCV area RPN Open SCV area RPS Open Pole Line Open Hatches Harbor Open High Head Open Closed
Oct. 15 – Oct. 16	2.75 mi open	RPN Open (1.25 mi.) RPS Open (2.5 mi) SCV area RPN Open SCV area RPS Open Pole Line Open Hatches Harbor Open High Head Open Closed
Oct. 17 – Oct. 22	6.25 mi open	RPN Open (1.25 mi.) RPS Open (5.0 mi) SCV area RPN Open SCV area RPS Open Pole Line Open High Head Open
Oct. 23 – Oct. 24	1.0 mi open	RPN Open (1.0 mi) RPS Closed SCV area RPN Closed SCV area RPS Closed Pole Line Open High Head Closed

Oct. 25 – Oct. 31	6.25 mi open	RPN Open (1.25 mi) RPS Open (5.0 mi) SCV area RPN Closed SCV area RPS Closed Pole Line Open High Head Open
November 1	1.0 mi open	RPN Open (1.0 mi) RPS Closed SCV area RPN Closed SCV area RPS Closed Pole Line Open High Head Closed
Nov. 2 – Nov. 3	Closed	Entire route closed due to unsafe conditions
November 4	1.8 mi open	RPN Open (1.5 mi) RPS Access Closed (Beach open via RPN (.3 mi) SCV area RPN Closed SCV area RPS Closed Pole Line Open High Head Closed
Nov. 15	Closed	Limited Access Permit Required

Piping Plover Breeding Success

In 2014, Cape Cod National Seashore staff documented a total of 68 nesting pairs of piping plovers. There were 52 documented plover chicks that fledged in 2014. This was compared to 46 fledged plover chicks from 82.5 nesting pairs in 2013. The productivity rate for piping plovers at the National Seashore in 2013 was 0.76. In the north district of the National Seashore there were 41 nesting pairs of piping plovers and 23 plover chicks fledged. The productivity rate in the north district was 0.56. (For more detailed information reference *Monitoring and Management of Piping Plovers and Colonial Waterbirds at Cape Cod National Seashore 2014*)

Education

In 2014 a Facebook page was established to enhance the communication of corridor openings and closures to the public. The page was well received among the user group and many provided positive comments about the efforts to be proactive with providing information.

All hills and areas identified with limited visibility along the ORV corridor were posted with safety related advisory signs. There was a continued effort to educate ORV users in the “Low and Slow” (low tire pressure and slow vehicle speed) concept. All access areas were posted with informational signs. The information/regulation brochure, the handouts, signs and information posted at the ORV Permit Station all emphasized that ORV users follow the “low and slow” advice. ORV information and regulations were posted on the bulletin boards at the oversand permit building and at the Race Point air-up lot. Both bulletin boards were updated throughout the season and displayed current ORV route information. Plover information, seal information, and ORV special activity or event information was also posted.

Enforcement

Numerous law enforcement contacts were made on a daily basis to help inform and educate the ORV users about National Seashore regulations and appropriate use of the ORV corridor. Enforcement actions continued to be one tool of a multi-pronged approach in this education effort.

There were a total of 52 violation notices issued to ORV visitors in 2014, up from 30 issued during the 2013 season.

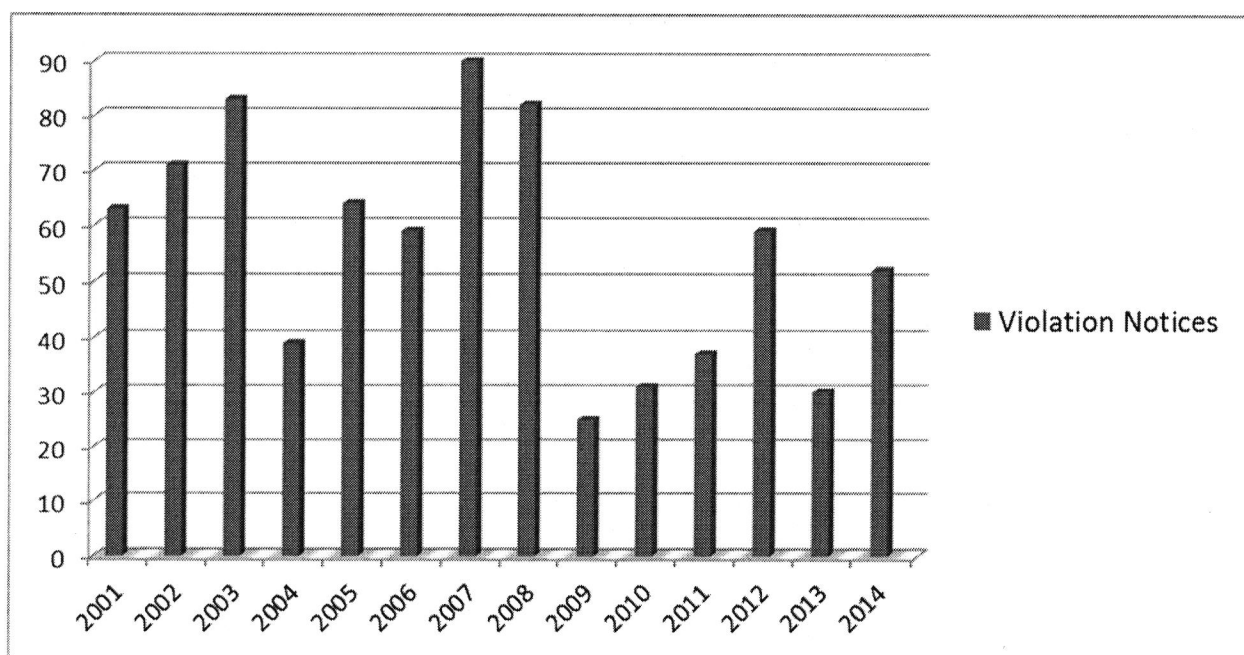


Figure 1.5 Violation Notices on the ORV Corridor

During 2014 there were 32 violation notices issued for failure to possess an ORV permit, this was an increase from 13 in 2013. This means only 20 violation notices were issued to the 4,049 ORV users that purchased a permit. Warning notices increased from 39 in 2013 to 44 in 2014. This was the fourth year written warnings have been included in the Annual ORV report. The two charts below show citations and written warnings issued to visitors on the ORV corridor in 2014. As in previous years, some of these infractions involve visitors that are found on the ORV corridor, but are pedestrians that are not ORV permit holders.

2014 Violation Notices		2014 Written Warnings	
Failure to Possess ORV Permit	32	Failure to Possess ORV Permit	12
Controlled Substance	5	Pet Off Leash	6
Open Container	4	Speed	4
Natural Product Violation	2	Failure to Obtain Fire Permit	3
Parking	2	Violation Terms of Permit	3
Operation Under the Influence	1	Natural Products Violation	2
Operation with BAC .08 or above	1	Driving Off Route	2
Camping Outside Designated Area	1	Kite Surfing Prohibited	2
Permit Violation	1	Operation Outside Designated Area	2
Possess/Use Fireworks	1	Parking	2
Interfering with Agency Function	1	Closure	1
Disturbing Wildlife	1	Possess/Use Metal Detector	1
		Traffic Control Device	1
		Passenger on Exterior of Vehicle	1
		Fishing without Permit	1
		Seatbelt	1
TOTAL	52	TOTAL	44

Figure 1.8 Violation Notices and Warnings Issued on the ORV Corridor in 2014*

***ORV permit holders or persons entering the corridor in a vehicle without a permit are included in statistics. Violations issued to pedestrians not associated with the oversand operation were mostly culled out of these statistics.**

A concerted effort has been made over the last four years to address the safety concern of drivers operating vehicles while impaired. This effort has been district wide and not ORV corridor specific.

Permitted users were once again a significant and important ally in the education and enforcement efforts of the ORV program. Their continued diligence in noting and reporting non-permitted vehicles, illegal driving behavior, resource related concerns, and other aspects of resource and visitor protection was an extremely valuable and important part of the ORV program. Many of the seasoned ORV users also help educate and instruct newer users on ORV operations. Without this voluntary partnership, the ORV program would not be as successful.

Improvements

During the MBBA sponsored spring beach conservation project, areas of the beach that were closed due to symbolic fencing were made available to be cleaned, as long as no shorebirds were nearby. During the fall cleanup several areas that were closed due to beach conditions were made accessible for the cleanup. Due to this additional access, many truckloads of trash were removed from the beach on these project days. Approximately 76 members volunteered almost 500 hours to clean these beaches.

New mirrors were installed on both the Pole Line Rd access as well as the Race Point South access to improve visitor safety.